

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JACK LECK II,

Petitioner,

v.

DEPARTMENT OF CORRECTIONS,

Respondent.

CASE NO. 3:15-CV-05869-RJB-JRC

ORDER DENYING MOTION FOR  
RECONSIDERATION

The District Court referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b) (1) (A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state conviction pursuant to 28 U.S.C. § 2254.

Before the Court is petitioner's motion for reconsideration of the Court's order denying plaintiff's motion to appoint counsel (Dkt. 11). Dkt. 14. In that order, the Court found that while plaintiff asserted that the Special Commitment Center law library is inadequate, the petition filed in this case revealed that plaintiff was able to adequately articulate his claims on his behalf. Dkt. 11. Further, the Court found that plaintiff had failed to demonstrate either a likelihood of success

1 on the merits or shown that the issues this case presents are too complex, such that he will not be  
2 able to articulate his claims *pro se*. *Id.*

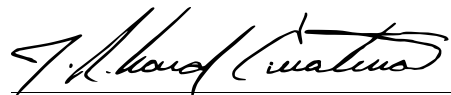
3 Motions for reconsideration are disfavored under the Local Rules. *See*, Local Rule 7 (h).  
4 “The Court will ordinarily deny such motions in the absence of a showing of manifest error in  
5 the prior ruling or a showing of new facts or legal authority which could not have been brought  
6 to its attention earlier with reasonable diligence.” *Id.*

7 As the Court explained in the original order, the Court may only appoint counsel in  
8 exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986);  
9 *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). A finding of exceptional circumstances  
10 requires an evaluation of both the likelihood of success on the merits and the ability of the  
11 plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved.  
12 *Wilborn*, 789 F.2d at 1331.

13 Petitioner is articulate and the Court understands his habeas petition. Further, he has not  
14 made a showing of his likelihood of success on the merits. Plaintiff did not make any showing  
15 that he is likely to succeed on the merits in his original motion for appointment of counsel (Dkt.  
16 8) or in his motion for reconsideration (Dkt. 14).

17 Plaintiff fails to show manifest error in the prior ruling or present new facts or legal  
18 authority for his position that could not have been brought to its attention earlier with reasonable  
19 diligence. Plaintiff’s motion for reconsideration (Dkt. 14) is denied.

20 Dated this 21st day of January, 2016.

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22 

23 J. Richard Creatura  
24 United States Magistrate Judge